

PREDETERMINATION SETTLEMENT AGREEMENT

CP# 07-12-0232-8

HUD# 01-12-61985

PARTIES TO THE SETTLEMENT AGREEMENT:

RESPONDENTS

[NAME REDACTED]

[Address Redacted]

[NAME REDACTED]

[Address Redacted]

COMPLAINANT

[NAME REDACTED]

[Address Redacted]

AND

IOWA CIVIL RIGHTS COMMISSION

400 East 14th Street

Des Moines, Iowa 50319

Description of the Parties: Complainant alleged after she signed a purchase agreement to buy a condominium, she requested that Respondents waive their “no pets’ policy to allow her companion cat as a reasonable accommodation due to her disabilities, but Respondents refused her request resulting in different terms and conditions of sale. Respondents are the condominium owners association, who enforce the association’s bylaws, or manage the subject property located at [Address Redacted].

A complaint having been filed by Complainants against Respondents with the Iowa Civil Rights Commission (hereafter referred to as the Commission) under Iowa Code Chapter 216 and there having been a preliminary inquiry, the parties do hereby agree and settle the above-captioned matter in the following extent and manner:

#### Acknowledgment of Fair Housing Law

1. Respondents agree there shall be no discrimination, harassment, or retaliation of any kind against Complainant or any other person for filing a charge under Iowa Code Chapter 216; or because of giving testimony or assistance, or participating in any manner in any investigation, proceeding or hearing under Iowa Code Chapter 216; or because of lawful opposition to any practice forbidden under Iowa Code Chapter 216.
2. Respondents acknowledge Federal and State Fair Housing Laws make it unlawful to discriminate in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of a disability. 42 U.S.C 3604(f)(2)(a); Iowa Code § 216.8A(3)(b)(1).
3. Respondents acknowledge Federal and State Fair Housing Laws make it unlawful to refuse to make reasonable accommodations in rules, policies, practices, or services, when the accommodations

are necessary to afford the person equal opportunity to use and enjoy a dwelling. 42 U.S.C. 3604(f)(3)(b); Iowa Code § 216.8A(3)(c)(2).

4. Respondents acknowledge their obligation under State and Federal Fair Housing Laws to waive their “no-pets” policy as a reasonable accommodation when necessary to permit an individual with a disability equal opportunity to use and enjoy a dwelling. Assistance animals categorized as either service animals or emotional support animals are not considered pets under the Fair Housing Act and cannot be subjected to pet rules, pet fees or pet deposits. Respondents acknowledge waiving a “no-pets” policy for a service animal or emotional support animal qualifies as a reasonable accommodation if the animal is needed to assist an individual with a disability.

Under State and Federal Fair Housing Laws, waiving a no-pet policy qualifies as a reasonable accommodation for an assistance animal if the animal provides assistance or performs tasks for the benefit of the individual with a disability, such as guiding visually impaired individuals, alerting hearing impaired individuals to sounds and noises, providing protection or rescue assistance, pulling a wheelchair, seeking and retrieving items, alerting individuals to impending seizures, and providing emotional support to persons who have a disability and need for such support.

Landlords cannot restrict the type of dog, size or weight of assistance animals and cannot require special tags, equipment, certification or special identification of assistance animals.

#### Voluntary and Full Settlement

5. The parties acknowledge this Predetermination Settlement Agreement is a voluntary and full settlement of the disputed complaint. The parties affirm they have read and fully understand the terms set forth herein. No party has been coerced, intimidated, threatened or in any way forced to become a party to this Agreement.

6. The parties enter into this Agreement in a good faith effort to amicably resolve existing disputes. The execution of this Agreement is not an admission of any wrongdoing or violation of law. Nor is the execution of this Agreement an admission by Complainant that any claims asserted in her complaint are not fully meritorious.

7. The parties agree the execution of this Agreement may be accomplished by separate counterpart executions of this Agreement. The parties agree the original executed signature pages will be attached to the body of this Agreement to constitute one document.

8. Respondents agree the Commission may review compliance with this Agreement. And as part of such review, Respondents agree the Commission may examine witnesses, collect documents, or require written reports, all of which will be conducted in a reasonable manner by the Commission.

#### Disclosure

9. The parties agree the terms of this Agreement shall be subject to public disclosure unless Complainant and Respondents agree otherwise, and the Commission determines that disclosure is not necessary to further the purposes of Iowa Code Chapter 216 relating to unfair or discriminatory practices in housing or real estate.

#### Release

10. Complainant hereby waives, releases, and covenants not to sue Respondents with respect to any matters which were, or might have been alleged as charges filed with the Iowa Civil Rights Commission, the Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, or any other anti-discrimination agency, and with regard to any and all other matters, subject to performance by Respondents of the promises and representations contained herein. Complainant agrees any complaint filed with any other anti-discrimination agency, including the Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, which involves the issues in this complaint, shall be closed as Satisfactorily Adjusted.

#### Fair Housing Training

11. Respondents agree [Name Redacted] and board members of [Name Redacted] will receive training on the requirements of State and Federal Fair Housing Laws within 90 days of their receipt of a Closing Letter from the Commission. The training will address all aspects of fair housing law, but will emphasize the law regarding how to handle requests for reasonable accommodations from individuals

with a disability. The training shall be conducted by a qualified person, approved by the Commission or the U.S. Department of Housing and Urban Development.

Respondents also agree to send documentation to the Commission, verifying the fair housing training has been completed, to the attention of Don Grove, Supervisor of Investigations, within ten (10) days of completing the training.

#### New Policy and Practice

12. Respondents agree, within thirty (30) days of the execution of this Agreement, to adopt and implement specific, uniform, and objective written standards and procedures for receiving and handling requests made by people with disabilities for reasonable accommodation. These standards shall comply with the requirements of Iowa Code Chapter 216 and 42 U.S.C. §§ 3601 et seq., and include the following provisions:

Respondents shall inform all occupants that they may request reasonable accommodations of Respondents' rules, policies, practices, and services. If occupants or prospective occupants inquire about reasonable accommodations, Respondents shall inform them of their ability to seek reasonable accommodations.

Respondents shall use the following forms:

- Request for Reasonable Accommodation (Attachments 1 and 2), and
- Approval or Denial of Reasonable Accommodation Request

(Attachment 3).

Oral requests for reasonable accommodations shall be recorded by Respondents' employees or agents using the "Request" form, Attachment 2.

Respondents shall keep written records of each request for reasonable accommodation. These records shall include:

- Name, address, and telephone number of the person making the request;
- Date request received;
- Nature of request;
- Whether request granted or denied; and
- If denied, reason(s) for the denial.

Upon adopting specific, uniform, and objective written standards and procedures for receiving and handling requests made by people with disabilities for reasonable accommodations, Respondents shall provide written notice of those standards and procedures to each current and future occupant who has requested an accommodation, in a form substantially equivalent to Attachment 4.

Respondents agree to send documentation to the Commission, verifying they have implemented specific, uniform, and objective written standards and procedures for receiving and handling requests made by people with disabilities for reasonable accommodation, to the attention of Don Grove, Supervisor of Investigations, within ten (10) days of implementing the standards and procedures.

#### Review of Occupant Files

13. Respondents agree to review all current occupant files to determine whether their board members or agents appropriately handled past requests for reasonable accommodations in accordance with the requirements of Iowa Code Chapter 216 and 42 U.S.C. §§ 3601 et seq. If errors were made in the handling of past requests for reasonable accommodations, Respondents shall promptly correct those errors by notifying the affected occupants, granting the requests for reasonable accommodations, and refunding any monies unlawfully collected.

Within ninety (90) days of the execution of this Settlement Agreement, Respondents shall report all errors to the Commission, as well as all actions taken to correct those errors, to the attention of Don Grove, Supervisor of Investigations. For each error, Respondents shall provide:

- Name, address, and telephone number of affected occupant;
- Date of request for reasonable accommodation;
- Nature of request;

- Date affected occupant notified of error; and
- Nature of action taken to correct error.

#### Relief for Complainant

14. Respondents agree to waive their “no-pets” policy as a reasonable accommodation and allow Complainant to keep her companion cat. Complainant agrees her companion cat will not be permitted in the Condominiums’ common areas. Complainant agrees to use a carrier to transport her cat when it is necessary for her cat to leave Unit 5 and Complainant will use the entrance that accesses the main floor condos.

The parties agree if after the companion cat’s arrival to the subject property, it is determined that the resident in the condo directly above Complainant develops allergies or other medical conditions as a direct result of Complainant’s companion cat, Respondents will issue Complainant a 30-day written notice either to take corrective measures at Complainant’s expense to prevent the pet dander from entering the upstairs condo or remove the companion cat. If allergies or medical conditions develop, prior to Respondents issuing Complainant a 30-day written notice, Respondents will provide Complainant with written documentation from the affected individual’s health care provider documenting that said medical condition is a direct result of Complainant’s companion cat and not due to some other cause. The health care provider will also provide documentation detailing why the affected individual is affected by Complainant’s cat, but was not affected by her friend’s cat when she visited her friend’s home. In addition, Respondents shall provide Complainant with documentation from a professional that Complainant’s cat’s dander is present in the condo directly above Unit 5.

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[Name Redacted],

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Date

RESPONDENT

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[Name Redacted], RESPONDENT

Date

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[Name Redacted], COMPLAINANT

Date

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Beth Townsend, DIRECTOR

Date

IOWA CIVIL RIGHTS COMMISSION

Attachment 1

Request for Reasonable Accommodation

If you, a member of your household, or someone associated with you has a disability, and feel that there is a need for a reasonable accommodation for that person to fully enjoy the premises or have equal opportunity to use and enjoy a dwelling unit or the public or common use areas, please complete this form and return it to your Association Board Member. Check all items that apply and explain fully. The



Association Board Member will assist you in completing this form, and will answer this request in writing within two weeks (or sooner if the situation requires an immediate response).

Name of Occupant or Applicant: \_\_\_\_\_

Today's Date: \_\_\_\_\_

Signature of Occupant or Applicant: \_\_\_\_\_

The person who has a disability requiring a reasonable accommodation is:

☐ Me

☐ A person associated or living with me

Name of person with disability: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

I am requesting the following change(s) in rule, policy, or practices so that I and persons associated or living with me can live here with equal opportunity to use and enjoy the premises.

I need the following change(s):

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I need this reasonable accommodation because:

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Requester	Date
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Association Board Member	Date
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Attachment 2

## Request for Reasonable Accommodation

[To be completed by Association Board Member if Requester cannot or will not complete written form.]

On \_\_\_\_\_, the undersigned Occupant or Applicant orally requested a reasonable accommodation. He/she requested the following change(s) in rule, policy or practices:

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Signature of Occupant or Applicant: \_\_\_\_\_

Name of Occupant or Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Date: \_\_\_\_\_

I, the undersigned, Association Board Member of \_\_\_\_\_ :

☐ Gave the Occupant or Applicant the form, "Request for Reasonable Accommodation" and offered to assist in completing the form.

☐ Granted the request.

☐ Explained the request could not be evaluated until the following additional information is provided.

\_\_\_\_\_

Association Board Member

Date

### Attachment 3

### Approval or Denial of Reasonable Accommodation Request

Dear: \_\_\_\_\_

Address: \_\_\_\_\_

On \_\_\_\_\_, you requested the following reasonable accommodation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

We have reviewed your request and we have decided:

†To approve your request. We will make the following change(s) in rule, policy or practices:

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Date change(s) will be made: \_\_\_\_\_

†To deny your request. We denied your request because:

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In making this denial decision, we relied on information provided by the following people or documents:

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†To seek further information from you about your request. We cannot approve or deny your request without additional information or documentation. Please provide:

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Association Board Member                      Date

## Attachment 4

### Reasonable Accommodation Policy for Persons with Disabilities

If an occupant or someone associated with a occupant has a disability, he/she may request a reasonable accommodation. Accommodations in rules, policies, practices, or services may be made when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.

It is preferred that all requests for reasonable accommodations be submitted in writing to a board member. Forms to request reasonable accommodations are available from a board member. If an occupant or household member has difficulty completing the form, the board member will assist him/her. Oral requests for reasonable accommodations will be recorded and processed in accordance with this policy.

Within fourteen (14) days of receiving the request for reasonable accommodation, the Condo Association's Board will notify the person making the request whether the request was granted or denied, or whether additional information is needed before a decision can be made. If the request is denied, the Condo Association's Board will include an explanation in the written notification.

If the request is denied, the affected occupant or household member may contact the Iowa Civil Rights Commission or the U.S. Department of Housing and Urban Development.

Iowa Civil Rights Commission

400 East 14th Street

Des Moines, Iowa 50319

515-281-4121 or 800-457-4416

U.S. Department of Housing and Urban Development

Office of Fair Housing & Equal Opportunity

400 State Avenue

Gateway Tower II

Kansas City, Kansas 66101

913-551-6958 or 800-743-5323